

From: [Griffo, Shannon](#)
To: [Fugh, Justina](#)
Subject: draft questionnaire
Date: Monday, March 11, 2019 3:19:00 PM

You should be getting an email with the link to our saved annual questionnaire in draft form. I started entering in data today and wanted to make sure we had the link to edit it further. Please send me the email when you get it. Anyone with the link can edit.

However, I also saved the link in my browser so I can access it through my computer.

Margaret should be sending me her information by tomorrow. I know you said you are out Friday, so we need to get this done by Thursday. Oh, and I will be out on leave Thursday afternoon.....but the good news is that I can get the draft mostly done and then you add the finishing touches/narratives before submitting.

As a reminder, here is the information we still need to collect. I can come by tomorrow to help if you have the time. Just let me know what you prefer. And we also need that response from Dave/Matt about the pledge violations:

15. How many new agency leaders, as defined in 5 C.F.R. 2638.305(a), were required to receive ethics briefings by December 31, 2018? _____
- a. How many of those leaders received their briefing within 15 days of their appointment? _____
- b. How many of those leaders received their briefing beyond the 15-day requirement? **1**
- c. How many of those leaders have yet to receive their briefing as of today? **0**

If applicable, please explain why some of the leaders received their briefing beyond the 15-day requirement or have yet to receive their briefing. _____

20. Required Annual Training: Confirm that Pruitt is only Level II public filer and that he took annual ethics training.

25. Number of notification statements of negotiation or recusal under section 17(a) of the STOCK Act submitted to the ethics office in 2018: _____

48. For each category of appointee, provide the number of full-time non-career appointees appointed between January 1 and December 31, 2018, and indicate the number who did and did not sign the Ethics Pledge. Note: Please include all appointees who did not sign, regardless of whether or not they were required to sign. Additional explanatory information is requested in the next question.

Number of Full-Time Non-Career Appointees	Type of Full-Time Non-Career Appointees by Category					
	PAS	PA	Non-career SES	Schedule C	Other	Total
a. Appointed 01/01/2018 – 12/31/2018		0				
i. Signed the Ethics Pledge		0				
ii. Did not sign the Ethics Pledge		0				

If applicable, please explain discrepancies between the number appointed and the number who signed or did not sign the Pledge. _____

50. How many appointees appointed between January 1 and December 31, 2018 and subject to the Ethics Pledge were registered lobbyists during the two years prior to their appointment?

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From: [Griffo, Shannon](#)
To: [Cozad, David](#)
Cc: [Fugh, Justina](#)
Subject: OGE Annual Questionnaire - Ethics Pledge questions
Date: Thursday, January 31, 2019 11:31:00 AM
Attachments: [2018 AQ changes since 9.4.18 advance copy.docx](#)

Dave,

Attached is the latest version of the OGE questionnaire. Questions related to the Trump Ethics Pledge are on pages 20-22 (questions 47-53).

Here are the ones we discussed today:

52. Were there any violations of the Ethics Pledge during 2018?

- ☐ Yes
☐ No (*skip to next Part*)

53. Please provide information on enforcement actions taken as a result of violations of the Pledge. _____

ADDITIONAL COMMENTS FOR PART 11. Please indicate the question number to which the comment corresponds. (*not required*)

Thanks,
Shannon

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From: [Griffo, Shannon](#)
To: [Fugh, Justina](#)
Subject: Pledge questions for Questionnaire
Date: Wednesday, March 06, 2019 3:56:00 PM

Below are the ones we need to answer and send forward for review. I don't think (b) (5)

Also, I did a quick search of last year's questionnaire responses and the final summary from OGE. It appears that no one reported violations of the Ethics Pledge last year. I was curious how this was answered in the past, but no luck.

52. Were there any violations of the Ethics Pledge during 2018?

- ☒ Yes
☐ No (*skip to next Part*)

53. Please provide information on enforcement actions taken as a result of violations of the Pledge. (b) (5)

There is also a space provided for Additional Comments if we choose to add comments to any of the questions.

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From: [Fugh, Justina](#)
To: [Cozad, David](#)
Cc: [Griffo, Shannon](#)
Subject: Pledge questions for OGE Questionnaire and proposed answer
Date: Wednesday, March 06, 2019 5:22:24 PM

Hi –

You asked to see the pledge-related questions for the Annual Questionnaire, so I asked Shannon. In her usual complete and thorough fashion, she also confirmed that we did not report any pledge violations last year. The only time that EPA previously reported a pledge violation was in 2011, when OGE collected the information in a separate instrument. What I wrote at the time was this:

EPA identified two potential violations of the ethics pledge. In both instances, PAS employees appear to have had contact with their former employers during their recusal period. EPA consulted with both OGE and White House Counsel, and referred both matters to the EPA Inspector General. Investigations are still pending.

With that as background, here is what OGE is asking now:

52. Were there any violations of the Ethics Pledge during 2018?


- ☐ Yes
☐ No (*skip to next Part*)

53. Please provide information on enforcement actions taken as a result of violations of the Pledge.

We will answer YES to #52 and propose the following answer to #53:

EPA identified two potential violations of the ethics pledge. In both instances, a PAS employee appears to have had contact with his former employer and/or former client(s) during his recusal period. As appropriate, EPA consulted with White House Counsel regarding these instances and provided counseling to the employee.

(b) (5)

A large rectangular area of the document is redacted with a solid black box. The text "(b) (5)" is written in red at the top left of this redacted area.

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: [Fugh, Justina](#)
To: [Griffo, Shannon](#)
Subject: RE: Ready For Your Review - Annual Questionnaire
Date: Thursday, March 14, 2019 12:48:46 PM
Attachments: [Completed Questionnaire.pdf](#)

Hi,

Attached is the final questionnaire that I also saved in the i:drive.

Q15 – (b) (6) Here's the new answer: *One of the PAS appointees was on extended leave so her briefing was delayed until she returned to work. EPA Ethics was not unduly concerned about the delay because the appointee had already signed the Trump Pledge and received new employee ethics orientation when she first joined EPA in January 2017.*

Q20 – the problem was that I didn't proofread my answer well or at all. Here's what it says now: *One PAS appointee resigned in July 2018 prior to the release of our online annual ethics training so did not take the training in 2018. The other discrepancies are due to a variety of issues, including: the government shutdown at the end of the calendar year precluded employees from being able to take their training; problems with the new e-learning platform that aggravated our ability to assign the training tasks to employees and then track their completion; and several office/regional reorganizations that caused some confusion about who was responsible for notifying and tracking training completion.*

Q.38. any waivers of late filing fee? Any paid late filing fees? – 2 for each.

Q.41. Review explanation – Well, I did, but now I can't see that answer in the pdf. Did you get a link to the completed and submitted form?

Justina

From: Griffo, Shannon
Sent: Thursday, March 14, 2019 8:47 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: Ready For Your Review - Annual Questionnaire

Q.15. (b) (6), (b) (5)

Also for some comments, it doesn't save certain punctuation marks, like commas. I had this problem as well. See Q.20.

YAY! Glad this will be done today!!

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From: Fugh, Justina
Sent: Wednesday, March 13, 2019 6:13 PM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: RE: Ready For Your Review - Annual Questionnaire

See notes below. I have to do some work with Margaret on the late fees. But we'll be ready to submit tomorrow!

I think the draft questionnaire is as complete as I can get it without your help. So below are the specific questions I'm flagging for your attention. Also note that you can add "Additional Comments" under each Part wherever you feel necessary. And there's space at the end of the Questionnaire.

Go to that link in the email and click Edit Questionnaire to work in it.

Let me know if you have any questions!!

THANKS SO MUCH! I called Wendy Pond at OGE today to say that we would be turning in our questionnaire on time. She was utterly delighted as EPA has never been timely before. Great job!

-

Q. 5: Need to add numbers to account for DAEO, ADAEO, and whoever else did ethics in 2018 in our team - Shannon, Margaret and Jennie? Judy? Jeanne is already in there. I added the part of Victoria we had in 2018 as .025 FTE; added Kevin Minoli/Dave Cozad as 0.5 FTE; added Jennie/Judy at 75% ((b) (6)); and Shannon/Justina/Margaret at 1030%. New total is 158.

Q.12: Add description. We undertook a strategic plan exercise and committed to improve our programmatic oversight. For example, we issued clear direction to ethics officials about how to conduct their confidential financial disclosure collection, review and certification process. As OGE noted in its 2017 program review of EPA, our ethics program was under-resourced. In 2018, EPA Ethics faced intense scrutiny that we leveraged into increased resources. By the end of CY 2018, we were able to double the size of the EPA Ethics team.

Q.14: Add explanation. EPA Ethics has been under-resourced for years, so was not adroit in

responding to this regulatory shift. In addition, the Agency's personnel office has undergone dramatic shifts as well. For example, the executive resources program (that works most closely with EPA Ethics) was relocated to North Carolina to an entirely new team, and late in 2018, the entire office underwent a massive reorganization, merging with another office. Instead of two PAS positions, there will now be just one. All of the upheaval and tumult, coupled with limited EPA Ethics staff time, resulted in delays in meeting this requirement.

Q. 15. Need information/numbers. Answer: 2, of whom 1 was trained within 15 days. One of the PAS appointees (b) (6) so her briefing was necessarily delayed until her return to work. EPA Ethics was not unduly concerned about the delay because the appointee had already signed the Trump Pledge and received new employee ethics orientation when she first joined EPA in January 2017.

Q. 16. Add explanation. Like many other federal agencies, EPA was affected by the government shutdown, which occurred at the end of the calendar year. Some employees simply could not take their ethics training during the shutdown period. In addition, EPA's learning platform suddenly changed just before the launch of the EPA Ethics training, causing widespread confusion. The new system created tracking errors and miscues that contributed to delays in notifying and tracking training.

Q.18. Add explanation EPA Ethics does not currently ask offices to affirmatively certify completion of their review.

Q.20. Annual ethics training – I used the numbers from the Questionnaires and not Margaret's numbers from FedTalent (because of the various problems with the data). Refine explanation. One PAS appointee resigned in July 2018 prior to the release of our online annual ethics training, so did not take the training in 2018. The other discrepancies are due to a variety of issues, including: the government shutdown at the end of the calendar year when many employees training; problems with the new e-learning platform that aggravating assigning the training task to employees and tracking their completion; and several office/regional reorganizations that caused some confusion about who was responsible for notifying and tracking training completion.

Q.21. Review explanation. Many EPA Deputy Ethics Officials require that all of their employees take the annual training regardless of whether they are financial disclosure filers or not.

Q.23. Who else received specialized training? Designated Federal Officers and members of FACAs, LEGIS fellows, and specific offices or groups upon request. For example, in 2018, the DAEO visited several regions to discuss ethics related topics.

Q.29. Review explanation. Typically, human resources notifies the direct supervisor (who may or may not be a Deputy Ethics Official), not EPA Ethics.

Q.36. Review explanation. (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

Q.38. any waivers of late filing fee? Any paid late filing fees?

|

Q.41. Review explanation

Q.45 and 46. (b) (5)

[REDACTED]

Q.53. Need feedback from Dave on pledge violations. Dave said to go with the language provided: EPA identified two potential violations of the ethics pledge. In both instances, a PAS employee appears to have had contact with his former employer and/or former client(s) during his recusal period. As appropriate, EPA consulted with White House Counsel regarding these instances and provided counseling to the employee.

Q.55. (b) (5)

[REDACTED]

Q.56. (b) (5)

[REDACTED]

Q.58. Confirm 0. Sure.

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UNITED STATES OFFICE OF
GOVERNMENT ETHICS



2018 AGENCY ETHICS PROGRAM QUESTIONNAIRE

[Status >>>](#)[Submitted and Locked](#)[<<< Status](#)

Here is the unique link to your questionnaire (the link below)
<https://extapps2.oge.gov/Q18/Questionnaire/ethicsqprod.nsf/0/1E5C75FAFCD16D86852583BA00697B57?OpenDocument>

PART 1. INTRODUCTION

Executive branch agencies are required to submit an annual report to the United States Office of Government Ethics (OGE) concerning certain aspects of their ethics programs (Section 402 (e)(1) of the Ethics in Government Act of 1978, as amended). Your response to OGE's Annual Ethics Program Questionnaire (Questionnaire) serves as your annual report.

OGE uses the data collected through the Questionnaire in many ways, including sharing information about the entire executive branch ethics program with the public, Congress, and the ethics community. OGE also uses the information to carry out its oversight role, to gain knowledge about individual programs as well as the overall ethics program, and to make informed decisions about resource allocations and priorities. OGE posts a summary of Questionnaire responses as well as each agency's unedited responses on OGE's website. Therefore, please ensure your responses are suitable for publication.

OGE encourages each agency to use the annual exercise of completing the Questionnaire as an opportunity to evaluate your ethics program.

DUE DATE: By regulation, the Questionnaire is due to OGE by February 1, 2019. (5 C.F.R. 2638.207(a)). However, because of the government shutdown, OGE has extended the deadline to **March 15, 2019**.

PART 2. INSTRUCTIONS

Your response to this Questionnaire should reflect the 2018 calendar year (i.e., 1/1/2018 through 12/31/2018), except where specified. The answers provided should reflect the aggregated numbers for **your agency in total**. **OGE will only accept one submission per agency.**

Throughout the Questionnaire you will be offered an opportunity to provide comments or explanations for your responses. Please use these comment sections to explain any discrepancies between levels of required activity and actual activity. These comment sections should also be used to explain significant changes from your 2017 report. After OGE has reviewed your Questionnaire submission, you may be contacted for follow-up.

FAQ's:

[Which Internet browser should I use?](#)

[How do I save a draft of my response?](#)

[How do I access my saved draft and edit the Questionnaire?](#)

[Why is the field highlighted yellow?](#)

[How do I save a copy of my Questionnaire for my records?](#)

[I submitted the Questionnaire but then realized I made an error. Can I still edit my response?](#)

[The font is small, can I increase the size?](#)

[Can more than one person work on the Questionnaire response?](#)

[I accidentally created more than one agency response. Which one should I use?](#)

If you have any questions, please contact Wendy Pond at wgpond@oge.gov.

PART 3. DEFINITIONS

Agency Head: For purposes of this Questionnaire, in the case of an agency headed by more than one person, the chair or comparable member of such agency.

D.C. Metro Area: For purposes of this Questionnaire, D.C. Metro Area means the District of Columbia, DC; Calvert County, MD; Charles County, MD; Prince George's County, MD; Arlington County, VA; Clarke County, VA; Culpeper County, VA; Fairfax County, VA; Fauquier County, VA; Loudoun County, VA; Prince William County, VA; Rappahannock County, VA; Spotsylvania County, VA; Stafford County, VA; Warren County, VA; Alexandria city, VA; Fairfax city, VA; Falls Church city, VA; Fredericksburg city, VA; Manassas city, VA; Manassas Park city, VA; Jefferson County, WV; and, Silver Spring-Frederick-Rockville, MD Metropolitan Division Frederick County, and Montgomery County.

Full-time Agency Employees: For purposes of this Questionnaire, the term "full-time agency employees" includes employees detailed to another agency. It also includes officers, but not enlisted members, of the uniformed services.

Special Government Employee (SGE): For purposes of this Questionnaire, the term "special Government employee" (SGE) means an officer or employee who is retained, designated, appointed, or employed, to perform temporary duties either on a full-time or intermittent basis, with or without compensation, for not more than 130 days during any period of 365 consecutive days. The term "SGE" does not include enlisted members, of the Armed Forces. It does, however, include these categories of officers or employees:

- Part-time United States commissioners;
- Reserve officers of the Armed Forces and officers of the National Guard of the United States (unless otherwise officers or employees of the United States) while on active duty solely for training or serving involuntarily.

PART 4. ORGANIZATION/RESOURCES

1. Agency

- Environmental Protection Agency

2. Employees

- Number of full-time agency employees as of December 31, 2018 13827

3. Information about the Designated Agency Ethics Official (DAEO):

- a. Vacant (As of December 31, 2018)? No
- b. Time in current DAEO position Less than 1 year
- c. Total years performing ethics duties 5 - 9 years
- d. Percent of time spent on ethics 0-25%
- e. Is the DAEO a career employee or a political appointee? Career employee
- f. Number of reporting levels between the DAEO and the agency head.
(Zero is not a valid response there is always at least 1 level.) 1

4. Information about the Alternate Designated Agency Ethics Official (ADAEO):

- a. Vacant (As of December 31, 2018)? No
- b. Time in current ADAEO position 10 or more years
- c. Total years performing ethics duties 10 or more years
- d. Percent of time spent on ethics 76-100%
- e. Is the ADAEO a career employee or a political appointee? Career employee

5. Number of employees, including the DAEO and ADAEO, who performed ethics program duties in 2018 (e.g., financial disclosure, education and training, advice and counseling, program administration).

Duty Station	Number of employees by hours worked each week					TOTAL
	Less than 1 hour per week (up to .025 FTE*)	1-10 hours per week (up to .25 FTE*)	11-20 hours per week (up to .5 FTE*)	21-30 hours per week (up to .75 FTE*)	31-40 hours per week (up to 1 FTE*)	
a. D.C. Metro area	112	40	2	1	3	158
b. Outside the D.C. Metro area	71	48	6	3	1	129
TOTAL	183	88	8	4	4	287

* FTE = Full Time Equivalent

Example: The table below provides an example of an agency with 13 employees that performed ethics program duties in 2018.

EXAMPLE Duty Station	Number of employees by hours worked each week					TOTAL
	Less than 1 hour per week (up to .025 FTE*)	1-10 hours per week (up to .25 FTE*)	11-20 hours per week (up to .5 FTE*)	21-30 hours per week (up to .75 FTE*)	31-40 hours per week (up to 1 FTE*)	
D.C. Metro area	1	0	2	2	1	6
Outside the D.C. Metro area	1	3	3	0	0	7
TOTAL	2	3	5	2	1	13

6. In what areas did contractors support the ethics program? Select all that apply.

- Check all that apply

IT services (e.g., developing or supporting electronic filing systems, applications, websites, and/or databases, etc.)

- Specify Other
NA

7. Did another federal agency or federal entity provide ethics services or support to your agency? (Do not include contractors, OGE support, or OMB support of MAX.gov.)

- Select Yes or No

No

- If yes above, please provide the name of the federal agency or entity and describe the services or support provided.

8. Does your agency's ethics program need additional resources? Check all that apply.

- Select type of resources

Budgetary, Human Capital, Technology

- Specify Other
NA

9. Did the agency head meet with the ethics staff to discuss the strengths and weaknesses of the ethics program in 2018?

- Select Yes, No, or Not Applicable

No

- If Not applicable above, specify why
NA

10. Did your agency (e.g., ethics office, Inspector General, General Counsel, etc.) conduct a self-assessment to evaluate any aspect of the ethics program in 2018?

- Select Yes or No

Yes

11. To whom were the results reported? Select all that apply.

DAEO

- Specify Other
NA

12. What kind of changes resulted from the assessment?

Programmatic changes (please describe)

- Please Describe (Please describe programmatic or policy changes Specify why no changes resulted Specify why not applicable)

We undertook a strategic plan exercise and committed to improve our programmatic oversight. For example, we issued clear direction to ethics officials about how to conduct their confidential financial disclosure collection, review and certification process. As OGE noted in its 2017 program review of EPA, our ethics program was under-resourced. In 2018, EPA Ethics faced intense scrutiny that we leveraged into increased resources. By the end of CY 2018, we were able to double the size of the EPA Ethics team.

**13. Of the following required written procedures, which did you have in place?
Check all that apply.**

Collection of confidential financial disclosure reports (5 C.F.R. 2638.104(c)(8)(i)), Collection of public financial disclosure reports (5 C.F.R. 2638.104(c)(8)(i)), Follow up with delinquent confidential financial disclosure filers (DA-09-03-92), Follow up with delinquent public financial disclosure filers (DA-09-03-92), Public availability of public financial disclosure reports (5 C.F.R. 2638.104(c)(8)(i)), Review/evaluation of confidential financial disclosure reports (5 C.F.R. 2638.104(c)(8)(i)), Review/evaluation of public financial disclosure reports (5 C.F.R. 2638.104(c)(8)(i)), Provision of initial ethics training (5 C.F.R. 2638.304)

ADDITIONAL COMMENTS FOR PART 4. Please indicate the question number to which the comment corresponds.

- **Additional Comments**

PART 5. EDUCATION AND TRAINING

14. Did all of the office(s) responsible for issuing ethics notices to prospective employees, pursuant to 5 C.F.R. 2638.303, provide the DAEO with the certification required pursuant to 5 C.F.R. 2638.310?

None of the offices provided the certification to the DAEO (explain why not all offices)

- **Please Explain why not all offices**

EPA Ethics has been under-resourced for years, so was not adroit in responding to this regulatory shift. In addition, the Agency's personnel office has undergone dramatic shifts as well. For example, the executive resources program (that works most closely with EPA Ethics) was relocated to North Carolina to an entirely new team, and late in 2018, the entire office underwent a massive reorganization, merging with another office. Instead of two PAS positions, there will now be just one. All of the upheaval and tumult, coupled with limited EPA Ethics staff time, resulted in delays in meeting this requirement.

15. How many new agency leaders, as defined in 5 C.F.R. 2638.305(a), were required to receive ethics briefings by December 31, 2018?

- **Total Number** 2
 - **a. How many of those leaders received their briefing within 15 days of their appointment?** 1
 - **b. How many of those leaders received their briefing beyond the 15-day requirement?** 1
 - **c. How many of those leaders have yet to receive their briefing as of today?** 0
 - **If applicable, please explain why some of the leaders received their briefing beyond the 15-day requirement or have yet to receive their briefing.**

One of the PAS appointees was on extended leave so her briefing was delayed until she returned to work. EPA Ethics was not unduly concerned about the delay because the appointee had already signed the Trump Pledge and received new employee ethics orientation when she first joined EPA in January 2017.

16. How many employees, including SGEs, were required to receive Initial Ethics Training (IET) by December 31, 2018 (5 C.F.R. 2638.304)? Include employees who were excluded, under 5 C.F.R. 2638.304(a), from the requirement to receive the interactive portion of the IET.

- **Number required** 386
 - **a. How many of those employees received IET within the 3-month requirement?** 373
 - **b. How many of those employees received IET beyond the 3-month requirement?** 6
 - **c. How many of those employee have not received IET as of today?** 7
 - **If applicable, please explain why some employees received IET beyond the 3-month requirement or have yet to receive IET.**

Like many other federal agencies, EPA was affected by the government shutdown, which occurred at the end of the calendar year. Some employees simply could not take their ethics training during the shutdown period. In addition, EPA's learning platform suddenly changed just before the launch of the EPA Ethics training, causing widespread confusion. The new system created tracking errors and miscues that contributed to delays in notifying and tracking training.

Example If an employee started at the agency on December 15,

2018, and the employee completed IET prior to the end of the calendar year, include the employee in your required and received numbers. If, on January 1, the employee has not completed IET, do not count that employee in your required numbers. Instead, include the employee in your 2019 Questionnaire's numbers in 2020.

17. How many non-supervisory positions at or below the GS-8 grade level, or the equivalent, were excluded from the requirement to receive the *interactive* portion of their initial ethics training during 2018, pursuant to 5 C.F.R. 2638.304(a)? (i.e., they received only *written* materials)

- Number 0

18. Did all of the office(s) delegate the responsibility for providing initial ethics training (IET) provide the required certification to the DAEO, pursuant to 5 C.F.R. 2638.310?

None of the offices provided the certification to the DAEO (specify why)

- Please Explain why not all offices
EPA Ethics does not currently ask offices to affirmatively certify completion of their review.

19. Did the head of the agency complete either initial ethics training and/or annual ethics training in 2018?

- Select One No (specify why)
- Please specify why if "No" Head of the Agency left before the end of the year.
or "Not Applicable"

20. Required Annual Ethics Training

<u>Type of covered employees (Include SGE filers)</u>	<u># Required</u>	<u># Received (of those required)</u>
Executive Schedule Level I or Level II public filers (OGE Form 278e)	1	0
All other public filers (OGE Form 278e)	463	422
Confidential filers (OGE Form 450, 450A, and OGE-approved alternative confidential financial disclosure forms)	8582	8380
Other employees required by 5 C.F.R. 2638.307(a) (employees appointed by the President employees of the Executive Office of the President Contracting Officers or, other employees designated by the head of the agency.)	0	0
TOTAL	9046	8802

- If applicable, please explain discrepancies between the number of employees who were required to receive training and the number of employees who received training
One PAS appointee resigned in July 2018 prior to the release of our online annual ethics training so did not take the training in 2018. The other discrepancies are due to a variety of issues, including: the government shutdown at the end of the calendar year precluded employees from being able to take their training problems with the new e-learning platform that aggravated our ability to assign the training tasks to employees and then track their completion and several office/regional reorganizations that caused some confusion about who was responsible for notifying and tracking training completion.

21. Did you provide annual ethics training to other employees not otherwise required by regulation to receive training (i.e., any other employees not covered by the chart above)?

- Select Yes or No Yes (please specify who)

- **If Yes above, please specify who**

Many EPA Deputy Ethics Officials require that all of their employees take the annual training regardless of whether they are financial disclosure filers or not.

22. Did you provide additional, specialized ethics training during 2018 (i.e., beyond any required initial ethics training or annual ethics training)?

- **Select Yes or No** Yes

23. Which groups did you target for additional, specialized ethics training?

- **Check all that apply**

Other (specify all)

- **Specify Other**

Designated Federal Officers for FACAs, specific offices or groups upon request.

ADDITIONAL COMMENTS FOR PART 5. Please indicate the question number to which the comment corresponds.

- **Additional Comments**

Designated Federal Officers and members of FACAs, LEGIS fellows, and specific offices or groups upon request. For example, in 2018, the DAEO visited several regions to discuss ethics related topics.

PART 6. ADVICE, COUNSELING, AND REMEDIES

24. From the list below, select the three topics that your employees most frequently sought guidance on in 2018. Please rate them in order, such that the first topic on which employees sought guidance the most frequently.

- **Conflicting financial interests**
- **Gift acceptance**
- **Financial disclosure reporting**
- **Impartiality in performance of official duties**
- **Misuse of position, government resources, and information**
- **Outside employment/activities**
- **Post-employment restrictions**
- **Travel, subsistence, and related expenses from non-federal sources**
- **Other (specify)**

- **Selection 1** Outside employment/activities
- **Selection 2** Misuse of position, Government resources and information
- **Selection 3** Travel, subsistence, and related expenses from non-federal sources
- **Explain Other 1** NA
- **Explain Other 2** NA
- **Explain Other 3** NA

25. Number of notification statements of negotiation or recusal under section 17(a) of the STOCK Act submitted to the ethics office in 2018?

- **Enter total** 22

26. Number of public financial disclosure filers who, in 2018, took specific remedial actions (e.g., divestiture, resignation from outside position, written disqualification, 18 U.S.C. § 208 waiver, reassignment, etc.) because of information on a new entrant, annual, periodic transaction, or termination report.

- **Enter number**

Don't know/don't track

27. Number of individual remedial actions taken in 2018 because of information on a new entrant, annual, periodic transaction, or termination public financial disclosure report.

a. Recusals

Don't know/don't track

b. Divestitures

1

c. Resignations from outside positions

Don't know/don't track

d. Reassignments

Don't know/don't track

e. Other not listed (specify)

Don't know/don't track

- Specify Other
NA

28. Number of 18 U.S.C. 208 waivers granted in 2018:

	Number Granted in 2018	Number Sent to OGE
a. 208(b)(1) waivers	0	0
b. 208(b)(3) waivers	0	0

- If applicable, please explain discrepancies between the number of waivers granted and the number provided to OGE.

ADDITIONAL COMMENTS FOR PART 6. Please indicate the question number to which the comment corresponds.

- Additional Comments

PART 7. FINANCIAL DISCLOSURE PROGRAM MANAGEMENT AND ELECTRONIC FILING SYSTEMS

29. How often, within the 15-day deadline, did the human resources office(s) notify the DAEO of appointments to public and confidential financial disclosure filing positions (5 C.F.R. 2638.105(a)(1))?

- a. Public Filers In Most Cases
- If not applicable, specify why.
- b. Confidential Filers Not Applicable (specify why, below)
- If not applicable, specify why.

Typically, human resources notifies the direct supervisor (who may or may not be a Deputy Ethics Official), not EPA Ethics.

30. How often, within the 15-day deadline, did the human resources office(s) notify the DAEO of terminations from public financial disclosure filing positions (5 C.F.R. 2638.105(a)(2))?

- Public Filers In Most Cases
- If not applicable, specify why.

31. Did your agency use an electronic financial disclosure filing system (e-filing system) in calendar year 2018? Note: This includes *Integrity*.

- Select Yes or No Yes

32. Which system did your agency use?

- Select one Integrity ONLY (skip to next part)
- Specify Other
NA

33. Indicate for which forms your agency used the other (non-*Integrity*) e-filing system.

- Check all that apply

34. Indicate your fiscal year 2018 actual costs for using the other (non-*Integrity*) e-filing system. Note: Because OGE does not charge fees to use *Integrity*, there are no reportable costs associated with the use of *Integrity*.

Public (do not include *Integrity*)

Confidential

a. Amount paid to a non-federal vendor in FY 2018

b. Amount paid to a federal agency in FY 2018

c. Amount for all internal costs associated with operating an e-filing system (e.g., FTE, overhead, etc.) in FY 2018

- Please explain "Don't know/don't track" answer above

35. Number of financial disclosure filers, not reports, who filed electronically in fiscal year 2018, excluding filers in *Integrity*.

a. public financial disclosure filers

b. confidential financial disclosure filers

ADDITIONAL COMMENTS FOR PART 7. Please indicate the question number to which the comment corresponds.

- Additional Comments

PART 8. PUBLIC FINANCIAL DISCLOSURE

36. Report the number of public financial disclosure reports (OGE Form 278e) required to be filed by December 31, 2018, *excluding SGEs*, and the number of reports actually filed (i.e., received in hand) by December 31, 2018.

	OGE Form 278e Reports	PAS ²	Non-Career SES ³	Career SES ³	Schedule C	Other ⁴	TOTAL
a. Nominee/New Entrant	Required	3	6	53	12	13	87
	Filed	3	6	51	12	12	84
b. Annual	Required	4	17	245	18	68	352
	Filed	4	17	243	18	68	350
c. Termination	Required	2	3	22	8	9	44
	Filed	2	3	18	7	9	39
d. Combination ¹	Required	0	4	13	1	1	19
	Filed	0	3	13	1	1	18
Total	Required	9	30	333	39	91	502
	Filed	9	29	325	38	90	491

¹ Includes reports filed to satisfy both annual and termination requirements, as well as new entrant and termination requirements.

² Presidential appointees confirmed by the Senate.

³ Senior Executive Service, Senior Foreign Service, Senior Cryptologic Service, Defense Intelligence Senior Executive Service, etc.

⁴ Includes members of the Uniformed Services, Administrative Law Judges, Senior Level employees (SES Equivalent), administratively-determined positions, officials in the Executive Office of the President who do not otherwise meet the criteria of another section, etc.

Example for new entrant and termination reports: If an employee started/left the agency on December 15, 2018, and the employee filed a new entrant/termination report prior to the end of the calendar year, include the report in your required and filed numbers. If, on January 1, the employee has not filed a new entrant/termination report, do not count that report in your required numbers. Instead, include the employee in your 2019 Questionnaire numbers in 2020.

- If applicable, please explain discrepancies between the number of reports required to be filed and the actual number of reports filed. In some cases, EPA Ethics was delayed in notifying filers and assigning them with the necessary INTEGRITY assignments. We are working assiduously to resolve any outstanding issues.

37. Number of periodic transaction reports filed, *excluding those filed by SGEs*

- Periodic Transaction Reports Filed

247

Note Count the total number of periodic transaction reports filed. *Example 1* If two employees each file 5 periodic transaction reports during the calendar year, report "10" in the table above. *Example 2* If an employee files one report each month, each report is counted separately. Report "12" in the table.

38. Extension and late fees for new entrant, annual, termination, and combination public financial disclosure reports, and periodic transaction reports, *excluding those for reports filed by SGEs.*

	Granted filing extension	Granted waiver of late filing fee	Paid late filing fee
a. Number of OGE Form 278e Reports	381	2	2
b. Number of OGE Form 278-T Reports	0	5	0

39. Number of public financial disclosure filers reported in calendar year 2018 to the Attorney General for failure to file.

- Enter total 0

40. How many requests for public financial disclosure reports did you receive in 2018? Count each OGE Form 201 as one request, even if it contains a request for documents for multiple individuals.

- Enter total 31

ADDITIONAL COMMENTS FOR PART 8. Please indicate the question number to which the comment corresponds.

- Additional Comments

PART 9. CONFIDENTIAL FINANCIAL DISCLOSURE

41. Report the number of confidential financial disclosure reports required to be filed by December 31, 2018, *excluding SGEs*, and the number of reports actually filed by December 31, 2018.

	Required	Filed
	7783	450 5677
		450A 2097
		OGE-approved alternate form 0
Total	7783	7774

Example for new entrant reports: If an employee started at the agency on December 15, 2018, and filed a new entrant report prior to the end of the calendar year, include the report in your required and filed numbers. If, on January 1, the employee has not filed a new entrant report, do not count that report in your required numbers. Instead, include the employee in your 2019 Questionnaire's new entrant numbers in 2020.

If applicable, please explain discrepancies between the number of reports required to be filed and the actual number of reports filed.

- Explain, if applicable
Some employees have been on extended leave, left federal service, transferred to other agencies, or retired prior to filing deadline. In addition, we believe that there has been some technical errors in tabulation by ethics official in tracking/designating filers.

42. Number of OGE 450, 450A, or OGE-approved alternative forms granted filing extensions in 2018.

- Enter number 74

ADDITIONAL COMMENTS FOR PART 9. Please indicate the question number to which the comment corresponds.

- Additional Comments

PART 10. ENFORCEMENT OF STANDARDS OF CONDUCT AND CRIMINAL AND CIVIL STATUTES

43. Number of disciplinary actions taken based wholly or in part upon violations of the Standards of Conduct provisions (5 C.F.R. part 2635) or your agency's supplemental

Standards (if applicable) in 2018. For purposes of this question, disciplinary actions include removals, demotions, suspensions, and written reprimands or their equivalents.

- Enter number 4
- Of those, how many were disciplinary actions were taken wholly or in part upon violations of
- Subpart A (General Provisions) 2
- Subpart B (Gifts from Outside Sources) 1
- Subpart C (Gifts between Employees) 0
- Subpart D (Conflicting Financial Interests) 0
- Subpart E (Impartiality in Performing Official Duties) 1
- Subpart F (Seeking Other Employment) 0
- Subpart G (Misuse of Position) 2
- Subpart H (Outside Activities) 0

44. Number of disciplinary actions taken based wholly or in part upon violations of the criminal conflict of interest statutes, 18 U.S.C. sections 203, 205, 208, and 209, in 2018. For purposes of this question, disciplinary actions include removals, demotions, suspensions, and written reprimands or their equivalents.

- Enter number 0
- Of those, how many were disciplinary actions taken based wholly or in part upon violations of
- 18 U.S.C. section 203 (Compensation in Matters Affecting the Government)
- 18 U.S.C. section 205 (Claims Against and Matters Affecting the Government)
- 18 U.S.C. section 208 (Acts Affecting a Personal Financial Interest)
- 18 U.S.C. section 209 (Supplementation of Salary)

45. Number of referrals made to the Department of Justice of potential violations of the criminal conflict of interest statutes (18 U.S.C. sections 203, 205, 207, 208, 209), failure to file or filing false public financial disclosures (5 U.S.C. app. section 104 or 18 U.S.C. section 1001), a civil matter involving outside earned income under 5 U.S.C. app. section 501, or outside activities under 5 U.S.C. app. section 502 in 2018.

- Enter number 2

DOJ Referrals

- a. How many of those referrals were accepted for prosecution? 0
- b. How many of those referrals were declined for prosecution? 2
- c. How many of those referrals were pending DOJ's decision as of December 31, 2018? 0

Disciplinary Action

- a. How many of those referrals resulted in disciplinary or corrective action? 0
- b. How many of those referrals resulted in a determination not to take disciplinary or corrective action? 0
- c. How many of those referrals are pending a determination as to whether disciplinary or corrective action will be taken? 1

46. Did your agency submit all referral(s) and disposition(s) of the referral(s) to OGE via OGE Form 202 (as required by 5 C.F.R. 2638.206(a))?

- Select answer No (specify why)

- **Please Specify Why**

The submittal to OGE by EPA's OIG of one Part 2 of the OGE Form 202 was delayed due to typographical error that affected the OIG's internal tracking process for filing OGE 202 forms.

ADDITIONAL COMMENTS FOR PART 10. Please indicate the question number to which the comment corresponds.

- **Additional Comments**

PART 11. ETHICS PLEDGE ASSESSMENT

47. Were any full-time non-career appointees (e.g., Presidentially Appointed Senate Confirmed (PAS), Presidentially Appointed (PA), non-career Senior Executive Service (SES), Schedule C, etc.) appointed to or by your agency from January 1 through December 31, 2018? NOTE: For guidance on what constitutes a full-time non-career appointee for purposes of the Ethics Pledge, see LA-17-03 available at www.oge.gov.

- **Select answer**

Yes

48. For each category of appointee, provide the number of full-time non-career appointees appointed between January 1 and December 31, 2018, and indicate the number who did and did not sign the Ethics Pledge. NOTE: Please include all appointees who did not sign, regardless of whether or not they were required to sign. Additional explanatory information is requested in the next question.

Number of Full-Time Non-Career Appointees	Type of Full-Time Non-Career Appointees by Category					Total
	PAS	PA	Non-career SES	Schedule C	Other	
a. Appointed 01/01/2018 - 12/31/2018	3	0	6	18	0	27
i. Signed the Ethics Pledge	3	0	6	18	0	27
ii. Did not sign the Ethics Pledge	0	0	0	0	0	0

- If applicable, please explain discrepancies between the number appointed and the number who signed or did not take the Pledge.

49. For each appointee who did not sign the Ethics Pledge, find the appropriate rationale(s) and indicate the total number of appointees who fit into that category.

Rationale for Not Signing the Ethics Pledge	Number and Type of Full-Time Non-Career Appointees Who Did Not Sign the Ethics Pledge					Total
	PAS	PA	Non-career SES	Schedule C	Other	
a. Occupy an exempt non-policy-making position (Schedule C or other comparable authority)	0	0	0	0	0	0
b. Appointed without break in service after serving in another position for which the Ethics Pledge was already signed	0	0	0	0	0	0
c. Other (explain below)	0	0	0	0	0	0

- If other, please explain.

50. How many appointees appointed between January 1 and December 31, 2018 and subject to the Ethics Pledge were registered lobbyists during the two years prior to their appointment?

- **Enter number**

1

51. Section 3 of Executive Order 13770 provides a waiver mechanism for the restrictions contained in the Ethics Pledge. Indicate below how many waivers were granted to appointees in your agency in 2018, the names of these individuals granted waivers in 2018, and which of the Pledge paragraphs were implicated.

	Number of Ethics Pledge Waivers Granted By Pledge Paragraph	Name(s) of Individual(s) Granted Ethics Pledge Waivers
Paragraph 1	0	
Paragraph 2	0	
Paragraph 3	0	
Paragraph 4	0	
Paragraph 5	0	
Paragraph 6	0	
Paragraph 7	0	
Paragraph 8	0	
Paragraph 9	0	
Other (please explain)	0	

- If other, please explain

52. Were there any violations of the Ethics Pledge during 2018?

- Select Yes or No Yes

53. Please provide information on enforcement actions taken as a result of violations of the Ethics Pledge.

- Please type in the box below.
EPA identified two potential violations of the ethics pledge. In both instances, a PAS employee appears to have had contact with his former employer and/or former client(s) during his recusal period. As appropriate, EPA consulted with White House Counsel regarding these instances and provided counseling to the employee.

ADDITIONAL COMMENTS FOR PART 11. Please indicate the question number to which the comment corresponds.

- Please type in the box below.

PART 12. SPECIAL GOVERNMENT EMPLOYEES (SGEs)

54. How many Special Government Employees (SGEs) did your agency have, in total, during calendar year 2018?

- Enter number 612

55. How many SGEs serving on a board, commission, or committee were required to receive Initial Ethics Training (IET) by December 31, 2018 (5 C.F.R. 2638.304(b)(2))?

- Enter number 37
 - a. How many of those SGEs received IET before or at the beginning of the first meeting? 37
 - b. How many of those SGEs received IET after the first meeting? 0
 - c. How many of those SGEs have not received IET as of today? 0
- If applicable, please explain why some SGEs received IET after the first meeting or have yet to receive IET.

56. Report the number of SGE public and confidential financial disclosure reports required to be filed by December 31, 2018 and the number of reports actually filed by December 31, 2018.

Type of SGE	Confidential Reports (OGE Form 450 or OGE- Approved Alternative Form)		Public Reports (OGE Form 278e)	
	required	filed	required	filed
a. Advisory Committee Members (FACA)	239	238	2	2
b. Advisory Committee Members (non-FACA)	0	0	1	1
c. Experts/Consultants	37	36	1	1

d. Board Members	1	1	1	1
e. Commissioners	0	0	0	0
f. Other	0	0	0	0
TOTAL	277	275	5	5

Example for new entrant and termination reports If an employee started with the agency on December 15, 2018, and filed a new entrant report prior to the end of the calendar year, include the report in your required and filed numbers. If, on January 1, the employee has not filed a new entrant report, do not count that report in your required numbers. Instead, include the employee in your 2019 Questionnaire numbers in 2020.

- If applicable, please explain discrepancies between the number of reports required to be filed and the actual number of reports filed.
One SGE never reported to work, another worked on FACA committee but wasn't invited to come on board

57. Number of SGEs excluded from all or a portion of the confidential filing requirements per 5 CFR 2634.904(b).

- Enter number 0

58. Extensions and late filing fees for SGE financial disclosure reports.

	Granted filing extension	Granted waivers of late filing fee	Paid late filing fee
a. Number of OGE Form 278e Reports	0	0	0
b. Number of OGE Form 450 or OGE-Approved Alternative Forms	0		


ADDITIONAL COMMENTS FOR PART 12. Please indicate the question number to which the comment corresponds.

- Additional Comments

ADDITIONAL QUESTIONNAIRE COMMENTS:

- Additional Comments

Point of contact to answer OGE follow up questions regarding this Questionnaire:

- **Name** Justina Fugh
- **Title/Position** ADAEO
- **Email Address** fugh.justina@epa.gov
- **Confirm Email Address** fugh.justina@epa.gov
- **Phone Number** 202-564-1786 

What is the preferred mailing address for the Agency Head, Designated Agency Ethics Official, Chief Human Capital Officer, and Inspector General:

Agency Head

- **First Name** Andrew
- **Last Name** Wheeler
- **Title** Administrator
- **Street** 1200 Pennsylvania Avenue, N.W. (1101A)
- **City** Washington
- **State** DC District of Columbia

- **Zip**
20460

DAEO

- **First Name**
David
- **Last Name**
Cozad
- **Title**
Acting DAEO

Address is the same as above

- **Street**
- **City**
- **State**
- **Zip**

Chief Human Capital Officer

- **First Name**
Wesley
- **Last Name**
Carpenter
- **Title**
Chief Human Capital Officer and Acting Deputy Assistant Administrator

Address is the same as above

- **Street**
- **City**
- **State**
- **Zip**

Inspector General

- **First Name**
Charles
- **Last Name**
Sheehan
- **Title**
Acting Inspector General

- **Street**
1200 Pennsylvania Ave, N.W. (2410T)
- **City**
Washington
- **State**
DC District of Columbia
- **Zip**
20460

By POC
Submitted by POC (See above)

Date
03/14/2019

7/15/19

HEADS UP FROM ETHICS

Hi Matt and Dave,

The Office of Government Ethics released its annual summary of agency ethics programs. We want to alert you to the fact that (as you know), EPA indicated that we had one appointee to report. The only other agency to report a pledge violation was the National Labor Relations Board:

EPA identified two potential violations of the ethics pledge. In both instances, a PAS employee appears to have had contact with his former employer and/or former client(s) during his recusal period. As appropriate, EPA consulted with White House Counsel regarding these instances and provided counseling to the employee.

NLRB: The Pledge violation concerned a Board member's participation in the adjudication of Hy-Brand Industrial Contractors, Ltd., 365 NLRB No. 156 (December 14, 2017). On February 26, 2018, after careful consideration, and exercising the Board's authority under Section 102.48(c) of the Board's Rules and Regulations and Section 10(d) of the National Labor Relations Act, the Board decided to remedy the Pledge violation by granting the Charging Parties' motion for reconsideration in part and vacating its December 14, 2017 decision (see 366 NLRB No. 26 February 26, 2018).

To see the full report, click [here](#). (b) (5)